

Remarks

In the Office Action, the Examiner noted that claims 1 to 6 are pending in the application; claim 1 is rejected; and that claims 2 to 6 are objected to. By this amendment, claims 1 and 2 have been amended by deleting halogen within the definition of R. Further claim 1 has also been amended to delete previously introduced disclaimer to three specific halogen substituted compounds which appear to have been disclosed in WO 95/03306, see specifically, compound nos. 452-1, 452-2 and 452-3, Table 16, page 35. New claims 7 to 9 have been added respectively to recite the two specific bromo compounds (claim 7), their pharmaceutical compositions (claim 8) and use (claim 9). Both of these bromo compounds are disclosed in the instant specification at page 13, see compounds 34 and 35 within the Table. Thus it is respectfully submitted that no new subject matter has been inserted through these amendments. All of the amendments are fully supported by the specification. Examiner's rejection is respectfully traversed below.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claim 1 stands rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner alleges that the claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the invention, at the time the application was filed, had possession of the claimed invention. More specifically, Examiner alleges that the disclaimer introduced by the Applicants disclaiming the three specific compounds is considered to be new matter as there is no support in the specification.

However, Applicants respectfully submit that claim 1, as amended, does not have any of this negative recitation. Specifically, claim 1 has been amended to delete halogen within the definition of R as well as the above noted previously introduced limitation. A similar amendment was also made to claim 2 as it depends directly upon claim 1 and should include all of the limitations of claim 1.

For the reasons advanced above, Applicants respectfully submit that claim 1, as amended, fully satisfy the requirements of 35 U.S.C. 112, first paragraph. Accordingly, withdrawal of rejection as to claim 1 is respectfully requested.

Claim Objections

Claims 2 to 6 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

However, as noted above, claim 1, as amended, is in condition for allowance. Thus it is respectfully submitted that this objection as to claims 2 to 6 be withdrawn.

New Claims 7-9

As noted above, Applicants have also presented new claims 7-9 respectively corresponding to two bromo compounds, their pharmaceutical compositions and use in treating a variety of diseases. The two bromo compounds are disclosed in the specification at page 13, compound nos. 34 and 35. These claims have been presented to recite the two bromo compounds specifically disclosed in the specification because of the fact that halogen substituted compounds have been deleted within the scope of amended claim 1. Further, claim 8 recites pharmaceutical compositions similar in scope to those of claims 4 and 6; and similarly claim 9 is directed to use of compounds of claim 7 similar in scope to that of claims 3 and 5. Therefore, claims 7-9 are not only fully supported by the specification but also in condition for immediate allowance as the claims 1-6 are believed to be in condition for allowance.

Conclusions

In view of the above Remarks, it is respectfully submitted that claims 1-2, as amended, and claims 3 to 9 are now in condition for allowance and the early issuance of this case is respectfully requested. In the event the Examiner wishes to contact the

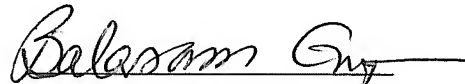
Application Ser. No.: 10/500,015
Filing Date: June 23, 2004
Examiner: Owens, Amelia A.

undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

Applicants believe there are no fees due for this Rule 111 Amendment. However, if the Examiner deems that fees are due, please charge these fees to Deposit Account No. **18-1982** for sanofi-aventis U.S. LLC, Bridgewater, NJ. Please credit any overpayment to Deposit Account No. **18-1982**.

Respectfully submitted,

December 4, 2006



Balaram Gupta, Ph. D., J. D.
Registration No. 40,009
Attorney for Applicants

sanofi-aventis U.S. LLC
US Patent Operations
Route #202-206 / P.O. Box 6800
MAIL CODE: BWD-303A
Bridgewater, NJ 08807-0800
Telephone: 908-231-3364
Telefax: 908-231-2626